

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CHAD EVANS, *et al.*, }
vs. }
INSULATION MAINTENANCE AND }
CONTRACTING, *et al.*, }
Plaintiffs, }
Defendant. } } } } }
Case No. 2:10-cv-01425-LRH-PAL
ORDER
(Mtn to Withdraw - Dkt. #43)

This matter is before the court on the Motion to Withdraw as Counsel of Record for Defendant Insulation Maintenance and Contracting and Defendant Tracy Bullock (Dkt. #43) filed May 3, 2011. James Winckler and Roger Grandgenett of the law firm of Littler Meldelson, PC, seek to withdraw as counsel of record for Defendants Insulation Maintenance and Contracting (“Insulation”), and Tracy Bullock (“Bullock”). The Motion represents that there has been a breakdown in communication between the law firm and Defendants Insulation and Bullock, and that the law firm has not been paid for legal services rendered since September 2010. Defense counsel believes that because of the breakdown in communication and the failure for Defendants Insulation and Bullock to fulfill their obligations under the contract, the attorney-client relationship has become strained to the point that defense counsel cannot adequately continue to represent them. Local Rule IA 10-6 provides that “no withdrawal . . . shall be approved if delay of discovery, the trial or any hearing in the case would result.”

The Complaint in this matter was filed on August 23, 2010. In a Stipulation and Order (Dkt. #33) entered January 10, 2011, the court vacated the previous scheduling order and stayed discovery pending the court's ruling on Defendant Payroll Solutions I, Inc.'s ("Payroll") motion to dismiss. The stipulation provided that: "Not less than ten (10) days, following the Court's ruling on Defendant Payroll Solutions I, Inc.'s Motion to Dismiss, the remaining parties shall meet and confer regarding an

1 amended stipulated discovery plan and amended proposed scheduling order.” The Order (Dkt. #41)
2 denying Payroll’s motion to dismiss was entered April 28, 2011. Defense counsel filed the instant
3 motion before the parties have had a chance to meet and confer to submit an amended stipulated
4 discovery plan and scheduling order.

5 Having reviewed and considered the matter, and for good cause shown,

6 **IT IS ORDERED:**

- 7 1. The Motion to Withdraw as Counsel of Record for Defendant Insulation Maintenance
8 and Contracting and Defendant Tracy Bullock (Dkt. #43) is **GRANTED**.
- 9 2. Defendant Tracy Bullock shall have until **May 23, 2011**, in which to retain new counsel
10 who shall file a notice of appearance in accordance with the Local Rules of Practice or to
11 file a statement that he will be proceeding *pro se*.
- 12 3. A corporation cannot appear except through counsel. *U.S. v. High Country*
13 *Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993); *Rowland v. California Men's*
14 *Colony*, 506 U.S. 194, 201-02 (1993). Therefore, Defendant Insulation Maintenance and
15 Contracting shall have until **May 23, 2011**, in which to retain new counsel who shall file
16 a notice of appearance in accordance with the Local Rules of Practice.
- 17 4. Counsel shall have until **June 2, 2011**, to meet and confer and to submit a proposed
18 stipulated Discovery Plan and Scheduling Order with the court.
- 19 5. Failure to timely comply with this order may result in sanctions.
- 20 6. The Clerk of Court shall serve a copy of this Order on Defendants Insulation
21 Maintenance and Contracting, and Tracy Bullock at:
22
23 Insulation Maintenance and Contracting
2421 E. Gowan,
North Las Vegas, Nevada 89030
24
25 Tracy Bullock
2421 E. Gowan
North Las Vegas, Nevada 89030

26 Dated this 4th day of May, 2011.

27 
28 PEGGY A. SEEN
UNITED STATES MAGISTRATE JUDGE